

**MINUTES OF THE MALVERN CITY COUNCIL
MONDAY, AUGUST 8, 2016
HELD IN THE MALVERN CITY HALL COURTROOM 7 P.M.**

The Malvern City Council met for its regular monthly meeting on Monday, August 8, 2016 at 7: 00 p.m. in the City Hall Courtroom. Mayor Brenda Weldon called the meeting to order and welcomed everyone to the meeting. Present for the meeting were Council members Mary Fraction, William Wilson, Lynn Davis, J. Wayne Reynolds, Peggy Lusinger, Robin Halbert, Larry Stiles and David Cross. Also present was City Attorney Cecilia Ashcraft with City Clerk/Treasurer Dial absent due to surgery. Mayor Weldon declared a quorum present and led the Invocation and Pledge of Allegiance.

A motion was made by Council Member Davis, seconded by Fraction to approve the minutes of the regular meeting held on July 11 and the special meetings held on July 18 and July 19. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the minutes were adopted.

A motion was made by Council Member Reynolds, seconded by Fraction to accept the Departmental Reports as posted. Alderman Reynolds asked Chief Taber about the number of traffic citations noted on the report. Chief Taber stated that they have been short-handed but have hired a new patrol officer who will be assigned to traffic duty. He stated that this should help rectify the situation.

Alderman Reynolds asked Chief Harper about the process for code enforcement violations and Harper stated that violators are issued a warning, then a letter, and then a ticket. Harper stated that there is a timeline associated with each step of the process and a visual inspection before proceeding to the next step. Once a ticket is issued, Officer Ford takes the case to court. The entire process takes about a month usually. Reynolds asked if most of the violators pay the ticket and Harper replied that they do not. City Attorney Ashcraft explained that each case is different and fine amounts range from \$50 to \$250 up to \$1,000.00. She told the council that she, the code office and police department are working together to make the process smoother. Mayor Weldon said it is frustrating. Ashcraft said that sometimes even when the violator is fined, the fines just keep mounting. She stated that Chief Harper is really trying to make the process better and his department is doing a good job. Alderman Reynolds stated that the city has to stay involved in order to help renters. Mayor Weldon stated that the City will continue to do the best we can. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried.

Alderman Reynolds introduced an ordinance prohibiting the use of "jake brakes" in the City. City Attorney Ashcraft read the ordinance for its third and final reading by title only. A motion was made by Reynolds, seconded by Fraction to adopt the ordinance. Alderman Cross stated that he felt the City Council may have over-reacted on this matter. He asked how many complaints had been received about this matter. He expressed concerns about this just being more for the police department to do and stated that some of the provisions in the ordinance seem to be conflicting in his opinion and that he could not support it at this time. Voting for the

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motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert and Stiles with Cross voting “no”. The motion carried by a vote of 7-1, and the ordinance was assigned No. 2016-14.

ORDINANCE NO. 2016-14

**AN ORDINANCE OF THE CITY OF MALVERN, ARKANSAS PROHIBITING
THE USE OF ENGINE BRAKES (ALSO KNOWN AS ‘JAKE BRAKES’)**

City Council Member Mary Fraction introduced for its first reading an ordinance levying city taxes for the year 2017. The ordinance was read for its first reading by City Attorney Ashcraft. The ordinance will be heard for its second reading at the September meeting.

City Council Member Davis introduced a resolution seeking grant assistance for a partial parallel taxiway at the Malvern Municipal Airport. The resolution was read by City Attorney Ashcraft. A motion was made by Cross, seconded by Fraction to adopt the resolution. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried the resolution was assigned No. 08-2016.

RESOLUTION NO. 08-2016

**A RESOLUTION SEEKING GRANT ASSISTANCE FOR THE DESIGN AND CONSTRUCTION OF A
PARTIAL PARALLEL TAXIWAY AT THE MALVERN MUNICIPAL AIRPORT
(AIP NO. 3-05-0037-007-2016)**

A motion was made by Fraction, seconded by Halbert to authorize the Mayor to sign a contract with McClelland Engineers for engineering services at the Malvern Municipal Airport. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried.

A motion was made by Reynolds, seconded by Stiles to accept the bid and authorize the Mayor to sign a contract with Pioneer Civil Construction of Crossett, Arkansas in the amount of \$458,547.50 for the construction of a parallel taxiway at the Malvern Municipal Airport. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried.

A motion was made by Cross, seconded by Lusinger to accept the bid and authorize the Mayor to sign a contract with J.L. Bry-son Inc. of Huntsville, Arkansas in the amount of \$87,000.00 for the repair of the brackets on the I-30 Interstate Bridge over the Ouachita River for the Malvern Water and Sewer Department. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried.

There were no citizens wishing to appear before the Council. Under Mayor Reports, Mayor Weldon noted that she and Street Superintendent Smith were meeting with the

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engineers Thursday morning to discuss the plans for resurfacing Pine Bluff Street. She also discussed they were working on a grant to get help from Entergy for the repair and new LED lights for downtown Main Street. Mayor Weldon also stated that the Olive Street drainage project should be completed this week. She stated that work on that project had caused the Street Department to get behind on drainage and street cuts but that things should get back on track quickly.

Mayor Weldon reported that construction has begun on the relocation project across the street and the work done by Herman Grayer, David Cross, and Tommy Wright may be completed in a couple of weeks. She also stated that she and Superintendent Mike Smith have received another packet for State Aide for completing the resurfacing of W. Moline Street all the way to Farmers Co-op. The project will take about 28 days to complete. The bids will open on Wednesday. Mayor Weldon asked for citizens to be patient, and noted that progress takes time.

There being no further business to come before the Council, and upon a motion by Reynolds, and a second by Stiles, the meeting was adjourned.

Phyllis Dial, City Clerk/Treasurer

Brenda J. Weldon, Mayor